

**Congress of the United States**  
**Washington, DC 20515**

April 13, 2020

Honorable Ron DeSantis  
Governor  
State of Florida  
The Capitol  
Tallahassee, Florida 32301

RE: Take Immediate Steps to Protect Floridians During the COVID-19 Crisis

Dear Governor DeSantis:

As members of the Florida Congressional delegation, we urge you to take immediate steps to protect the health and wellbeing of our fellow Floridians during the COVID-19 crisis. We appreciate some of the steps you have already taken, but we have heard from Floridians on the ground about ways you can improve things for our neighbors during this challenging time.

**Health Care Aid Congress Passed to Help States and Localities during the COVID-19 Pandemic**

Over the last few weeks, Congress passed three supplemental appropriations bills to help Florida and Floridians weather the COVID-19 crisis. The first package (Coronavirus Preparedness and Response Supplemental) provided \$950 million through the Centers for Disease Control and Prevention (CDC) to states, local governments and tribes to conduct public health activities related to the coronavirus. The Families First Coronavirus Response Act included a vital boost to Florida's Medicaid federal medical assistance percentage (FMAP) by 6.2 percent during this public health crisis. Consequently, Florida will also receive a smaller bump in its Children's Health Insurance Program (CHIP) enhanced federal medical assistance percentage (EFMAP) of 4.34 percent. Additionally, it included a state option to cover COVID-19 related testing and testing-related services for uninsured individuals at 100 percent federal match during this crisis. The third package (Coronavirus Aid, Relief and Economic Security (CARES) Act) appropriated \$150 billion for the Coronavirus Relief Fund for states, tribes and local governments to use for COVID-19 response. The CARES Act included an additional \$1.5 billion through the CDC to support states, local governments and tribes contain the virus by purchasing personal protective equipment (PPE), supporting laboratory testing of COVID-19 and other public health preparedness and response activities. This is a very stressful time for many of our neighbors, so we included \$425 million for Certified Community Behavioral Health Clinics, suicide prevention initiatives and mental health and substance use disorder emergency grants. We worked hard to provide the State of Florida and communities in our districts with an infusion of resources, and now it is your turn to work with federal agencies and local leaders to get these funds out the door as quickly and efficiently as possible. We are also working on future funding bills, so please reach out to us with needs you are

seeing around the state – including an additional FMAP bump for Medicaid – which we anticipate will be heavily impacted by both the health and economic crises unfolding.

### **Expand Medicaid Immediately**

A way to ensure Floridians have health coverage is by expanding Medicaid. Expanding Medicaid would allow about 840,000 Floridians to gain coverage and draw down \$13.8 billion from 2020-2024 alone. Florida would make significant fiscal gains under expansion by replacing state spending with expansion funds. This would free up precious state dollars in emergency times like the COVID-19 crisis. A [recent study](#) in the New England Journal of Medicine outlined the many benefits to safety net providers and Floridians that would accrue from expanding Medicaid while having no negative impact on the state's budget. We can provide hardworking Floridians access to comprehensive health coverage and a better quality of life by improving preventive care, managing chronic conditions, diverting routine health care out of hospital emergency departments and reducing uncompensated care. It is a win-win all around.

Medicaid expansion would fill the growing gap left by shrinking Disproportionate Share Hospitals (DSH) payments from the federal government, which the Coronavirus Aid, Relief and Economic Security Act delayed. The Florida Legislature's Office of Economic and Demographic Research estimated earlier this year that the state could lose \$70.4 million in DSH funding this year. Florida hospitals have always been at a disadvantage when it comes to DSH dollars. Imagine how much hospitals and other providers are losing right now testing and treating patients and preparing for a COVID-19 surge. Medicaid expansion would fill this gap and provide a much more efficient use of tax dollars for coverage and care. Expanding Medicaid would finally give many hardworking Floridians the peace of mind of having health coverage as well as put the state and providers on better and more consistent financial footing.

### **Reinstate Medicaid Retroactive Eligibility**

A critical action you should take is to immediately halt implementation of Florida's Medicaid retroactive eligibility waiver. During the best of times, this policy was estimated to jeopardize the financial security of at least 39,000 of the most vulnerable Floridians, but with our state and country grappling with COVID-19, there is no telling how many more of our senior and disabled neighbors will be impacted by this draconian policy – as well as the hospital and nursing homes that serve them.

Retroactive eligibility is designed to protect Medicaid beneficiaries and their families from large and often surprising medical bills for medical services and long-term care. Importantly, this protection was also designed to minimize uncompensated care costs faced by hospitals and other health providers who take care of our fellow Floridians and are facing new financial and operational challenges due to COVID-19. It is important to remember that those who have services paid for through retroactive eligibility are only those who are deemed eligible for Medicaid.

Florida is one of only a handful of states in the country to have waived retroactive eligibility. Seniors and individuals with disabilities are most at risk for serious and deadly consequences from COVID-19, and we do not wish Floridians and the hospitals and nursing homes that serve them to be at greater financial risk as we face this public health emergency.

### **Boost Resources to Enroll Floridians in Medicaid and CHIP and Loosen Requirements**

We urge you to look at ways that the Florida Department of Children and Families (DCF) can better serve our neighbors during this crisis. We understand that DCF storefronts are closing to keep employees and customers safe, but there does not seem to be a plan in place for an alternative way to help our neighbors, especially those that need in-person verification for Medicaid enrollment. We encourage you to set up a new section of the state's website helping families to understand what their new public coverage options are. These are complex to understand without major stressors, but with many families losing jobs and in some cases employer-sponsored insurance, it is imperative for the state to design simple, online materials and offer a telephone hotline for families needing help. In addition, the state should boost resources to non-profit organizations that help enroll our neighbors in Medicaid and the CHIP, so we can ensure individuals and families are able to receive care, especially during a public health emergency.

We are hearing that wait times for help with Medicaid enrollment and questions can last up to two hours and there are times when Floridians looking to enroll in Medicaid are not getting calls back to conduct an interview due to inadequate staffing levels. In the best of times this is unacceptable, but during a public health crisis it is shameful. Have you or DCF come up with a plan to address this and get more staffers on the job immediately?

Along those lines, we would encourage you to loosen Medicaid determination requirements to get more Floridians health coverage and to keep folks enrolled. It is already too burdensome to sign up for Medicaid or retain coverage in Florida and now is not the time to leave folks uninsured. Thank you for temporarily stopping copays in KidCare until April 30, but we strongly encourage you to also eliminate the monthly premium, so families have the resources they need to get through these challenging times. Furthermore, Florida only give families a one-month grace period before a child loses coverage for nonpayment of premiums as well as a one-month lockout period. These need to be eliminated immediately because children should not be penalized if their parents are not able to pay due to the economic crisis.

### **Maintenance of Effort and Increase Floridians Eligible for Medicaid with the 6.2% FMAP Bump**

As we stated before, the Families First Coronavirus Response Act included a 6.2 percent FMAP increase to help states during this crisis. For states to receive that funding bump, they must freeze Medicaid disenrollment (Maintenance of Effort). This is a vital provision to allow Floridians to continue receiving the care they need - especially during an economic downturn. What steps is the state taking to implement this provision? We found a notice of this change deep in AHCA's website, but this must be more publicly shared. *We would also urgently request that you freeze CHIP disenrollment as long as the financial downturn or the public health emergency continues.*

With the FMAP bump, you should also step up for our seniors and neighbors with disabilities by decreasing or eliminating asset tests for these populations. Additionally, you should eliminate certain amounts of income over medically needy income levels for seniors and Floridians with disabilities. This would be a win-win since it would cover vulnerable populations more quickly and free up state workers and resources to focus on enrollment. It is vital to ensure seniors and individuals with disabilities have uninterrupted health coverage since they are more vulnerable to serious complications from COVID-19.

## **Withdraw from Texas v. U.S.**

Affordable coverage for Florida families is at risk due to a misguided federal lawsuit making its way through the courts. We encourage you and Attorney General Ashley Moody to *remove the State of Florida from the federal lawsuit that would kill the Affordable Care Act (ACA) and rip health coverage away from American families, including individuals with preexisting health conditions.* Former Governor Rick Scott and former Attorney General Pam Bondi never should have joined the lawsuit with the sole goal to destroy the ACA. With the current COVID-19 pandemic, it is more imperative than ever for the state to withdraw and instead side with the almost eight million Floridians with preexisting conditions. This lawsuit would eliminate numerous key protections that many Floridians rely on, especially during the current pandemic, like dependent coverage to age 26, preexisting condition protections, no-cost preventive services and annual and lifetime limits. We urge you to stand up for Florida families and vital ACA consumer protections that save lives and save money. As we asked you last year, please withdraw Florida from this dangerous lawsuit and work with us to adopt additional consumer protections that will protect Florida families – especially those with preexisting conditions.

It is our duty to ensure eligible Floridians have access to care without going into debt to obtain it, so we strongly encourage you to look at ways you can protect the health and wellbeing of Floridians during this crisis. We stand ready to work with you to put Floridians first.

Sincerely,



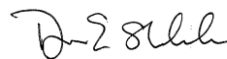
Kathy Castor  
Member of Congress



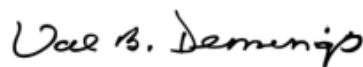
Ted Deutch  
Member of Congress



Alcee L. Hastings  
Member of Congress



Donna Shalala  
Member of Congress



Val Butler Demings  
Member of Congress



Stephanie Murphy  
Member of Congress



Lois Frankel  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Charlie Crist  
Member of Congress



Darren Soto  
Member of Congress



Debbie Mucarsel-Powell  
Member of Congress



Al Lawson, Jr.  
Member of Congress



Frederica S. Wilson  
Member of Congress